

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LOUIS ANTHONY WILBON,

Plaintiff,

Case No: 13-14404
Honorable Victoria A. Roberts

v.

MICHIGAN DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

/

**ORDER DENYING PLAINTIFF'S REQUEST
TO PROCEED ON APPEAL WITHOUT PREPAYMENT OF FEES AND COSTS**

Plaintiff Louis Anthony Wilbon ("Wilbon") appealed the Court's dismissal of his civil rights complaint. He seeks leave to appeal without prepayment of the appellate filing fee. This request is **DENIED**.

The requirements to appeal *in forma pauperis* (IFP) are set by 28 U.S.C. §1915 and Fed. R.App. P. 24(a). An individual must submit an affidavit that: (1) shows in detail the party's inability to pay or give security for fees and costs; (2) claims an entitlement to redress; and (3) states the issues the party intends to present on appeal. Rule 24(a)(1)(A-C).

Procedurally, Wilbon failed to file the proper documents for an IFP request. Wilbon submitted an application showing his inability to pay on October 18, 2013, but he did not submit updated financial information with his current notice of appeal. He did write a letter to the Court; however it does not appear to address either his entitlement to redress or state the issues he intends to present on appeal.

Filings made by *pro se* litigants are liberally construed. *Owens v. Keeling*, 461 F.3d 763, 776 (6th Cir. 2006). However, even construing Wilbon's filings liberally, the Court declines to certify that Wilbon is entitled to proceed without prepayment of costs and fees. For the same reasons the Court dismissed the action, the Court discerns no basis in good faith for an appeal within the meaning of 28 U.S.C. §1915(a)(3). Wilbon failed to exhaust administrative remedies. (Doc. #94).

Additionally, three of Wilbon's prior complaints were dismissed for failure to state a claim. (Doc. #4). Under the "three strikes" rule, a prisoner who has filed three or more previous complaints that have been dismissed as frivolous, malicious, or for failure to state a claim cannot proceed *in forma pauperis* in a civil action or appeal unless he is under imminent danger of serious physical injury. 28 U.S.C. § 1915(g).

There is nothing in Wilbon's letter that suggests he is in imminent danger of serious physical injury.

Wilbon's request to proceed *in forma pauperis* is **DENIED**.

IT IS ORDERED.

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: May 7, 2015

The undersigned certifies that a copy of this document was served on the attorneys of record and Louis Wilbon by electronic means or U.S. Mail on May 7, 2015.

s/Linda Vertriest

Deputy Clerk